

Early Case Assessment Resource Checklist

Early Case Assessment

Draft, File & Serve

Discovery

Research

Gather Intelligence

Trial Prep

The LexisNexis® Total Litigator Case Analysis suite of products helps you pull together all the facts, issues and research in any case to perform an early case assessment and determine the best, most effective course of action—quickly and with confidence. All of these tools are easily accessible from LexisNexis® Total Litigator, a revolutionary Web-based litigation platform.

Based on extensive research and in-depth analysis of the early case assessment practices of leading litigation firms and companies across the United States, we have developed the following early case assessment approach and recommended sources available from LexisNexis® that will assist you in performing your early case assessment and developing a winning case strategy.

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Gather And Organize Case Information

Gather Case Information

INITIAL FACT INVESTIGATION

Conduct Client Interview: Get the story including background information, fact chronology, cast of characters and relevant documents.

If client is a corporation, understand the client's business/industry, structure and strategic imperatives and assess the impact that litigation may have on the company.

Identify Early Risks: Organize strengths and weaknesses such as witness credibility, factual inconsistencies, evidentiary issues and business considerations.

Find Out What You Still Need To Know: Do I have a prima facie case and, if not, what do I still need?



RECOMMENDED SOURCES

- ➡ Complete CaseMap® Client Intake Interview Jumpstart form and import into CaseMap case file. [CaseMap](#)
- ➡ Evaluate and sort facts by disputed vs. undisputed and material vs. immaterial, "for us" vs. "against us", etc. [CaseMap](#)
- ➡ Create timeline to uncover factual gaps and inconsistencies. [TimeMap®](#)
- ➡ Conduct background checks on client and known witnesses using public records, including bankruptcy, criminal and litigation history, and send to CaseMap.
[Early Case Assessment - Witness & Individuals](#)
- ➡ Get business background information on corporate client including structure, strategic direction and financial information and send to CaseMap.
[Total Litigator - Early Case Assessment - Companies](#)
- ➡ Review jury instructions from similar cases and send to CaseMap for issue outline.
[Total Litigator - Early Case Assessment - Jury Instructions](#)
- ➡ List outstanding questions about case. [CaseMap](#)
- ➡ Set up Track for existing case to monitor filings and deadlines.
[Total Litigator - Alerts & Tracks - CourtLink® Tracks](#)

Gather And Organize Case Information

Gather Case Information

INITIAL LEGAL INVESTIGATION

Identify procedural issues: statute of limitations, jurisdictional or geographic issues.

Identify and outline legal issues, strengths and weaknesses of the case.

Determine legal obstacles to winning: Is it possible to sustain a viable cause of action and/or defense?

Conduct research for supporting case law (e.g., case of first impression, critical legal precedent, etc.), relevant statutes and codes.



RECOMMENDED SOURCES

- ➡ Research practice guides for procedural issues and link results to CaseMap.
[Total Litigator - Research - Treatises & Secondary Sources](#)
- ➡ Conduct case law and statutory research and send to CaseMap.
[Total Litigator - Research](#)
- ➡ Read news for current public awareness and send relevant articles to CaseMap.
[Total Litigator - Research - General & Legal News](#)
- ➡ Finalize issue outline now that research is complete and updated.
[CaseMap](#)
- ➡ Sort and filter issues, facts and objects for easier identification of strengths and weaknesses.
[CaseMap](#)

Gather And Organize Case Information

Gather Case Information

DETERMINE CASE VALUE

Identify previous verdicts and settlement amounts in similar cases.

Identify prior judgments and/or verdicts from similar cases.

Determine possible range of values based upon previous results specific to your opposing litigant.

Review news and media concerning litigant cases, filings and other such matters (especially those that have been potentially suppressed).



RECOMMENDED SOURCES

- ➡ Search Jury Verdicts and Settlements to identify previous settlements, judgments and verdict amounts in similar cases.
[Total Litigator - Early Case Assessment - Demographic Intelligence](#)
- ➡ Search for judgments within CourtLink dockets to help further determine possible range of values based upon previous results specific to your opposing litigant.
[Total Litigator - Early Case Assessment - Dockets](#)
- ➡ Obtain complaints and answers to assess how closely the facts and issues of the prior similar cases mirror your own.
[Total Litigator - Draft, File & Serve - Find & Order Documents](#)
- ➡ Review news and business articles concerning litigant cases, filings and other such matters (especially those that have been potentially suppressed) and send to CaseMap.
[Total Litigator - Research - General & Legal News](#)

Gather And Organize Case Information

Gather Case Information

IDENTIFY STRATEGIC FACTORS THAT MAY IMPACT YOUR CASE

Identify judicial tendencies (e.g., ruling patterns) and obtain copies of relevant dispositive orders from similar cases.

Identify parties' litigation tendencies (e.g., consistently employ same filing strategies, highly litigious, motion fillers, etc.).

(Continued)



RECOMMENDED SOURCES

Research Judges and send relevant results to CaseMap.

[Total Litigator - Early Case Assessment - Judges & Arbitrators](#)

- Run CourtLink® Strategic Profile: Judicial and review associated dockets and documents for ruling tendencies and calendar management
- Run Judge Analyzer report
- Search Mega News
- Search Judicial Staff Directory

Research Opposing Counsel and send relevant results to CaseMap.

[Total Litigator - Early Case Assessment - Attorneys & Law Firms](#)

- Run CourtLink Strategic Profile: Attorney/Law Firm and review associated dockets and documents for filing tendencies
- Run Attorney Analyzer report
- Locate Martindale-Hubbell® Listing
- Search Mega News
- Search Public Records

Gather And Organize Case Information

Gather Case Information

IDENTIFY STRATEGIC FACTORS THAT MAY IMPACT YOUR CASE

(Continued)

Identify and gather documents relating to tendencies of opposing counsel, such as patterns in motion practice, previously employed strategies, success rates and experience with similar cases.

Search news and business articles, with a focus on negative news.



RECOMMENDED SOURCES

- ➡ Research Opposing Litigant and send relevant results to CaseMap.

[Total Litigator - Early Case Assessment - Companies](#)

- Run CourtLink Strategic Profile: Litigant and review associated dockets and documents for filing tendencies
- Search Public Records (including bankruptcy, criminal background and litigation history)
- Search Mega news

- ➡ Set up nature of suit and jurisdiction specific Alert on assigned judge, opposing counsel and parties to uncover similar cases.

[Total Litigator - Alerts & Tracks](#)

- ➡ Track relevant cases that may impact your case.

[Total Litigator - Alerts & Tracks - CourtLink Tracks](#)

- ➡ Use Document Finder to locate relevant orders, motions and filings that may impact your case in federal district court.

[Total Litigator - Draft, File & Serve - Find and Order Documents \(Document Finder\)](#)

- ➡ Search the text of select briefs, pleadings and motions to find and review factually similar filings.

[Total Litigator - Research - Case Law, Briefs & Motions](#)

Gather And Organize Case Information

Organize Case Knowledge

BRING IT ALL TOGETHER

Organize and link your case facts, cast of characters and documents to your research and issues.

Review relationships between your facts, issues and research to identify case strengths and weaknesses and confirm that you can prove or defend the issues within your case.

List outstanding questions particular to your case to fill the factual and/or legal holes identified.

Analyze Critical Case Information & Advise Your Clients

Analyze

EVALUATE CASE

Assess available facts and law.

Determine likely time to conclusion and anticipate dispositive motions.

Estimate likely litigation costs based upon time to conclusion, anticipated discovery and motion practice, and associated legal fees.

Weigh factual, legal and strategic strengths, weaknesses and risks to determine likelihood of success.

Advise

GUIDE CLIENT

Counsel as to most LIKELY outcome for settlement and/or trial.

Recommend most favorable case resolution.

Advise best course of action based upon anticipated risks including cost, duration, outcome, intangibles.

Consulting Offerings

Need help getting an early case assessment process implemented in your firm? The LexisNexis Case Analysis Consulting group will help your trial teams and litigation support professionals quickly and effectively gain control over your cases. With our approach to Early Case Assessment and proven method to quickly “jumpstart” a case, LexisNexis Case Analysis consulting will help you establish a procedure for gathering and organizing early critical case information to help assess case strengths and risks, set client expectations and form a meaningful litigation plan during the early stages and throughout the litigation process.

To learn more about our consulting offerings,
please call **904.273.5000 x228**
or email **caseanalysisconsulting@lexisnexis.com**



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